

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JPMORGAN CHASE BANK, N.A.,
Interpleader
Plaintiff,

22-CV-3865 (JPO)

-v-

ORDER

29-33 NINTH AVENUE, LLC, *et al.*,
Interpleader
Defendants.

J. PAUL OETKEN, District Judge:

1. Interpleader Plaintiff JPMorgan Chase Bank (“Chase”) has filed a letter motion requesting that the Court compel Interpleader Defendant N.E.W. Corp. (“N.E.W.”) to return funds which Chase provided to the New York City Marshal pursuant to a judgment in New York state court in N.E.W.’s favor. (*See* ECF No. 122.)

Chase has not sought (and does not seek) the traditional *ex ante* relief in an interpleader action, which would ask the Court to enjoin pending or as-yet-unfiled suits over the same limited fund. Instead, Chase asks this Court to compel rescission of an otherwise apparently lawful recovery based on state court rulings which are, on their face, unchallenged — in other words, to “undo” the effect of a consummated recovery based on a final judgment in a separate case.

Chase has cited no legal authority supporting its position, and the Court is unaware of any authority that would permit it to compel the sort of extraordinary relief as specified in Chase’s letter motion. (ECF No. 122.) Even if this Court possesses some reservoir of equitable power to issue broad anti-suit injunctions under the interpleader statute, no party in the present case has even sought such an injunction under 28 U.S.C. § 2361. If any party is aware of any authority

that would support Chase's request, they are welcome to submit it promptly by letter, to the Court.

Accordingly, Chase's letter motion to compel N.E.W. to return funds is DENIED. Such denial is without prejudice to renewal upon the citation of pertinent authority.

2. The initial pretrial conference previously scheduled for March 3, 2023, at 11:00 am is hereby ADJOURNED to March 9, 2023, at 3:00 pm. The parties shall submit a joint case management plan on or before March 7, 2023.

The Clerk of the Court is directed to close Docket Entry 122.

SO ORDERED.

Dated: February 28, 2023
New York, New York



J. PAUL OETKEN
United States District Judge